

RECEIVED
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION
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UNITED STATES OF AMERICA, :
 :
 PLAINTIFF, :
 :
 v. :
 :
 ONE ISRAEL MILITARY INDUSTRIES: :
 DESERT EAGLE, .40 CALIBER :
 HANDGUN, SERIAL NO 32314915; :
 and, :
 EIGHTEEN (18) ROUNDS OF :
 ASSORTED .40 CALIBER :
 AMMUNITION :
 :
 DEFENDANTS. :

CIVIL ACTION NO. 2:05cv 1136

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, in a civil cause of forfeiture in rem respectfully alleges as follows:

JURISDICTION AND INTRODUCTION

1. Jurisdiction over this In Rem proceeding is predicated upon Title 28, United States Code, Section 1345 and 1355 and Title 18, United States Code, Section 924(d).

2. Venue over this matter is predicated upon Title 28, United States Code, Section 1395.

3. The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), has requested the institution of this civil forfeiture proceeding against the following Defendant firearm and ammunition("Defendants"):

- a. One Israel Military Industries, Desert Eagle, .40 Caliber Handgun, Serial No. 32314915); and,
- b. Eighteen (18) Rounds of Assorted .40 Caliber Ammunition.

4. ATF commenced an administrative forfeiture proceeding against the Defendants and Moses Pennic, III ("Pennic") filed a claim therein. As a result of Pennic's claim, the United States is required to file this civil forfeiture action.

5. The Defendants are subject to forfeiture to the United States under Title 18, United States Code, Section 924(d).

FACTS

6. Paragraphs 1 through 5 above are alleged and made applicable to this forfeiture count as if fully set forth herein.

7. The Defendants were seized from Pennic during a routine traffic stop. During the traffic stop, the odor of marijuana was detected and a plastic bag containing a green leafy substance was observed. Pennic was arrested.

8. During a search of the vehicle one large brick of a green leafy substance (marijuana); three individually wrapped plastic baggies of a green leafy substance (marijuana); a bottle containing a hard white substance in pieces (cocaine); two plastic bags of hard white substance in pieces (cocaine); an assorted amount of unidentified pills; and, the Defendants were seized.

9. Pennic had dominion and control over the vehicle from which the Defendants were seized. Pennic was in actual or

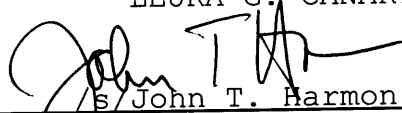
constructive possession of the Defendants before and at the time of their seizure.

10. Pennic possessed the Defendants in relation to a drug trafficking crime in violation of Title 18, United States Code, Section 924(c). This violation makes the Defendants subject to forfeiture pursuant to Title 18, United States Code, Section 924(d).

WHEREFORE, the United States of America requests that the Court issue a Warrant and Summons for the arrest and seizure of the Defendants; that notice of this action be given to all persons known or thought to have an interest in or right against the Defendants; that the Defendants be forfeited and condemned to the United States of America; that the United States of America be awarded its costs and disbursements in this action; and, for such other and further relief as this Court deems proper and just.

Respectfully submitted this the 30th day of November, 2005.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY


/s/ John T. Harmon

John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
One Court Square, Suite 201 (36104)
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7560
E-mail: John.Harmon@usdoj.gov
Bar Number: 7068-II58J

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION


STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

VERIFICATION


I, Jennifer Rudden, declare under penalty of perjury that I am a Special Agent with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, Montgomery Field Office, that I have read the foregoing Verified Complaint and know the contents thereof, and that the matters contained in the Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct on this 28 day of November, 2005.


Jennifer Budden-Special Agent
United States Bureau of Alcohol,
Tobacco, Firearms and Explosives

Sworn to and subscribed before me this the 28 day of November, 2005.


Notary Public
Commission Expires: 9.23.09